

07/25/06
IN OFFICE OF
U.S. DISTRICT COURT E.D.N.Y.
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BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES

– against –

MEMORANDUM
& ORDER
DETENTION
& DENIAL OF BAIL
05-CR-192

LOUIS EPPOLITO and
STEPHEN CARACAPPA

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Jack B. Weinstein, Senior United States District Judge:

Defendants move for bail. 18 U.S.C. § 3142. The government seeks a detention hearing on the grounds that the defendants are being held for an offense for which a maximum term of imprisonment of ten years or more is prescribed by the Controlled Substances Act, 18 U.S.C. § 3142(f)(1)(C), and there is a serious risk that they will flee. 18 U.S.C. § 3142(f)(2)(A).

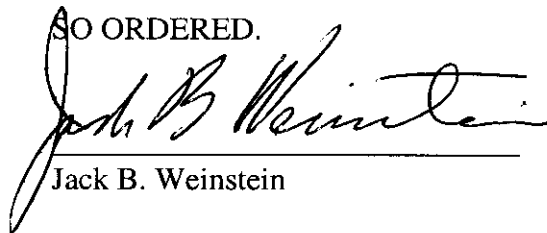
A hearing was held at which the court took judicial notice of all prior proceedings in this action. Bail is denied upon the overwhelming weight of evidence against the defendants that “no condition or combination of conditions will reasonably assure [their] appearance . . . as required” for trial on pending narcotics charges. 18 U.S.C. § 3142(e). The court finds:

- The narcotics crimes charged are serious and may lead to prison terms of up to forty years. 18 U.S.C. § 3142(g)(1).
- The weight of evidence showing guilt of these crimes is not insubstantial. 18 U.S.C. § 3142(g)(2).
- Defendants are dangerous criminals with no degree of credibility. 18 U.S.C. § 3142(g)(3)(A).

- Defendants have a high incentive to flee, given that they have been publicly shamed—and, as a result, will be ostracized—after a trial at which they were proven guilty of heinous criminal acts, so that even a finding of not guilty on the pending narcotics charges will not clear their names.

Bail is denied. Defendants are committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. 18 U.S.C. § 3142(i)(2). They shall be afforded a reasonable opportunity for private consultation with counsel. 18 U.S.C. § 3142(i)(3). On this court's order or on request of an attorney for the government, the person in charge of the corrections facility in which the defendants are confined shall deliver the defendants to a United States marshal for the purpose of an appearance in connection with a court proceeding. 18 U.S.C. § 3142(i)(4).

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein", is written over a horizontal line.

Jack B. Weinstein

Dated: July 25, 2006
Brooklyn, New York